

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ROGER DUANE ORTEGO and BRYAN F. GILL, JR., Docket No.: 07 Civ. 9641 (CSH)  
As Trustee of the Bankruptcy Estate of ROGER Justice: Charles S. Haight, Jr.  
DUANE ORTEGO,

Plaintiffs,

-v.-

MORAN TOWING CORPORATION,

**STIPULATION AMENDING  
PLAINTIFFS' COMPLAINT**

Defendant.

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IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. Plaintiffs' Complaint is hereby amended pursuant to FRCP Rule 15(a) to substitute MORAN TOWING AND TRANSPORTATION LLC (formerly SEABOARD BARGE CORPORATION, which was employer of ROGER DUANE ORTEGO at the time of the accident), in place of MORAN TOWING CORPORATION.

2. The caption of this action shall henceforth read as follows:

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ROGER DUANE ORTEGO and BRYAN F. GILL, JR.,  
As Trustee of the Bankruptcy Estate of ROGER  
DUANE ORTEGO,

Plaintiffs,

-v.-

MORAN TOWING AND TRANSPORTATION LLC

Defendant.

-----X

3. Plaintiffs' motion for leave to amend is hereby withdrawn.

4. Defendant's counsel hereby preserves the defense that the filing against MORAN TOWING AND TRANSPORTATION LLC is untimely. Plaintiff's counsel hereby preserves the claim that the filing against MORAN TOWING AND TRANSPORTATION LLC relates back to the filing against MORAN TOWING CORPORATION.

5. This stipulation may be filed with the Court without further notice.

Dated: New York, New York  
February 20, 2008

S A K K A S & C A H N , L L P

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SO ORDERED:

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Hon. Charles S. Haight, Jr.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Docket No.: 07 Civ. 9641 (CSH)  
Justice: Charles S. Haight, Jr.

ROGER DUANE ORTEGO and BRYAN F. GILL, JR., As  
Trustee of the Bankruptcy Estate of ROGER DUANE  
ORTEGO,

Plaintiffs,

-v.-

MORAN TOWING CORPORATION,

Defendant.

***STIPULATION AMENDING PLAINTIFFS'  
COMPLAINT***

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